

RESOLUTION NO. 94-58

=====

A RESOLUTION OF THE LODI CITY COUNCIL
ADOPTING BY REFERENCE, CERTAIN RULES AND REGULATIONS
FOR THE ELECTRIC UTILITY DEPARTMENT

WHEREAS, on March 1, 1989, the City Council did, by Ordinance No. 1447, adopt as amended, <13.20.010 of the Lodi Municipal Code, authorizing and allowing adoption by resolution, of Rules and Regulations for the Electric Utility Department;

NOW, THEREFORE, pursuant to Ordinance No. 1447, the City Council, by this resolution, adopts by reference as is fully set forth herein, Attachment A hereto, constituting revised Rules and Regulations for the function of the City of Lodi Electric Utility Department.

EFFECTIVE DATE: The effective date of this resolution shall be the first effective date of Ordinance No. 1447, reenacting Lodi Municipal Code §13.20.010.


Dated: May 18, 1994

I hereby certify that Resolution No. 94-58 was passed and adopted by the City Council of the City of Lodi in a regular meeting held May 18, 1994 by the following vote:

Ayes: Council Members - Mann, Pennino, Snider and
Sieglock (Mayor)

Noes: Council Members - Davenport

Absent: Council Members - None


Jennifer M. Perrin
City Clerk



CITY OF LODI

ELECTRIC UTILITY DEPARTMENT

Section 2. PUBLIC HEARING BY COUNCIL

The Council may from time to time call public hearings to ascertain whether the public necessity, health, safety or welfare requires the removal of poles, overhead wires and associated overhead structures within designated areas of the City and the underground installation of wires and facilities for supplying electric, communication, or similar or associated service. The City Clerk shall notify all affected property owners as shown on the last equalized assessment roll and utilities concerned by mail of the time and place of such hearings at least ten (10) days prior to the date thereof. Each such hearing shall be open to the public and may be continued from time to time. At each such hearing all persons interested shall be given an opportunity to be heard. The decision of the Council shall be final and conclusive.

Section 3. COUNCIL MAY DESIGNATE UNDERGROUND UTILITY DISTRICTS BY RESOLUTION

If, after any such public hearing the Council finds that the public necessity, health, safety or welfare requires such removal and such underground installation within a designated area, the Council shall, by resolution, declare such designated area an Underground Utility District and order such removal and underground installation. Such resolution shall include a description of the area comprising such district and shall fix the time within which such removal and underground installation shall be accomplished and within which affected property owners must be ready to receive underground service. A reasonable time shall be allowed for such removal and underground installation, having due regard for the availability of labor, materials and equipment necessary for such removal and for the installation of such underground facilities as may be occasioned thereby.

Section 4. UNLAWFUL ACTS

Whenever the Council creates an Underground Utility District and orders the removal of poles, overhead wires and associated overhead structures therein as provided in Section 3 hereof, it shall be unlawful for any person or utility to erect, construct, place, keep, maintain, continue, employ or operate poles, overhead wires and associated overhead structures in the District after the date when said overhead facilities are required to be removed by such resolution, except as said overhead facilities may be required to furnish service to an owner or occupant of property prior to the performance by such owner or occupant of the underground work



CITY OF LODI

ELECTRIC UTILITY DEPARTMENT

necessary for such owner or occupant to continue to receive utility service as provided in Section 9 hereof, and for such reasonable time required to remove said facilities after said work has been performed, and except as otherwise provided in this ordinance.

Section 5. EXCEPTION, EMERGENCY OR UNUSUAL CIRCUMSTANCES

Notwithstanding the provisions of this ordinance, overhead facilities may be installed and maintained for a period, not to exceed fourteen (14) days, without authority of the City Council in order to provide emergency service. The City Council may grant special permission on such terms as the City Council may deem appropriate in cases of unusual circumstances, without discrimination as to any person or utility, to erect, construct, install, maintain, use or operate poles, overhead wires and associated overhead structures.

Section 6. OTHER EXCEPTIONS

This ordinance and any resolution adopted pursuant to Section 3 hereof shall, unless otherwise provided in such resolution, not apply to the following types of facilities:

- a. Any municipal facilities or equipment installed under the supervision and to the satisfaction of the City Engineer.
- b. Poles or electroliers used exclusively for streetlighting.
- c. Overhead wires (exclusive of supporting structures) crossing any portion of a District within which overhead wires have been prohibited, or connecting to buildings on the perimeter of a District, when such wires originate in an area from which poles, overhead wires and associated overhead structures are not prohibited.
- d. Poles, overhead wires and associated overhead structures used for the transmission of electric energy at nominal voltages in excess of 34,500 volts.
- e. Overhead wires attached to the exterior surface of a building by means of a bracket or other fixture and extending from one location on the building to another location on the same building or to an adjacent building without crossing any public street or alley.
- f. Antennae, associated equipment and supporting structures, used by a utility for furnishing communication services.



CITY OF LODI

ELECTRIC UTILITY DEPARTMENT

- g. Equipment appurtenant to underground facilities, such as surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets, and concealed ducts.
- h. Temporary poles, overhead wires and associated overhead structures used or to be used in conjunction with construction projects.

Section 7. NOTICE TO PROPERTY OWNERS AND UTILITY COMPANIES

Within ten (10) days after the effective date of a resolution adopted pursuant to Section 3 hereof, the City Clerk shall notify all affected utilities and all persons owning real property within the District created by said resolution of the adoption thereof. Said City Clerk shall further notify such affected property owners of the necessity that, if they or any person occupying such property desire to continue to receive electric, communication, or similar or associated service, they or such occupant shall provide all necessary facility changes on their premises so as to receive such service from the lines of the supplying utility or utilities at a new location, subject to applicable rules, regulations and tariffs of the respective utility or utilities on file with the Commission or adopted by the City of Lodi.

Notification by the City Clerk shall be made by mailing a copy of the resolution adopted pursuant to Section 3, together with a copy of this ordinance, to affected property owners as such are shown on the last equalized assessment roll and to the affected utilities.

Section 8. RESPONSIBILITY OF UTILITY COMPANIES

If underground construction is necessary to provide utility service within a District created by any resolution adopted pursuant to Section 3 hereof, the supplying utility shall furnish that portion of the conduits, conductors and associated equipment required to be furnished by it under its applicable rules, regulations and tariffs on file with the Commission or adopted by the City of Lodi.

Section 9. RESPONSIBILITY OF PROPERTY OWNERS

- a. Every person owning, operating, leasing, occupying or renting a building or structure in a District shall perform construction and provide that portion of the service connection on his property between the facilities referred to in Section 8 and the termination facility on or within said building or structure being served, all in accordance with applicable rules, regulations and tariffs of the respective utility or utilities on file with the Commission or adopted by the City of Lodi.



CITY OF LODI

ELECTRIC UTILITY DEPARTMENT

- b. In the event any person owning, operating, leasing, occupying or renting said property does not comply with the provisions of subparagraph (a) of the Section 9 within the time provided for in the resolution enacted pursuant to Section 3 hereof, the City Engineer shall post written notice in a conspicuous place on the property being served and give written notice by mail to all customers being billed for the utility on the property being served thirty (30) days thereafter shall have the authority to order the disconnection and removal of any and all overhead service wires and associated facilities supplying utility service to said property.

Section 10. RESPONSIBILITY OF CITY

City shall remove at its own expense all City-owned equipment from all poles required to be removed hereunder in ample time to enable the owner or user of such poles to remove the same within the time specified in the resolution enacted pursuant to Section 3 hereof.

Section 11. EXTENSION OF TIME

In the event that any act required by this ordinance or by a resolution adopted pursuant to Section 3 hereof cannot be performed within the time provided on account of shortage of materials, war, restraint by public authorities, strikes, labor disturbances, civil disobedience, or any other circumstances beyond the control of the actor, then the time within which such act will be accomplished shall be extended for a period equivalent to the time of such limitation.

Section 12. PENALTY

It shall be unlawful for any person to violate any provision or to fail to comply with any of the requirements of this ordinance. Any person violating any provision of this ordinance or failing to comply with any of its requirements shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding Five Hundred Dollars (\$500.00) or by imprisonment not exceeding six (6) months, or by both such fine and imprisonment. Each such person shall be deemed guilty of a separate offense for each day during any portion of which any violation of any of the provisions of this ordinance is committed, continued or permitted by such person, and shall be punishable therefore as provided for in this ordinance.



CITY OF LODI

ELECTRIC UTILITY DEPARTMENT

Section 13. CONSTITUTIONALITY

If any section, sub-section, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Council hereby declares that it would have adopted the ordinance and each section, sub-section, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, sub-sections, sentences, clauses or phrases be declared invalid.

(End)

Section 21. Severability. In the event any provision of this Resolution shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof.

Section 22. Appointment of Bond Counsel. The law firm of Orrick, Herrington & Sutcliffe, Los Angeles, California is hereby appointed as Bond Counsel for the Program.

Section 23. Appointment of Underwriter. Sutro & Co. Incorporated, Los Angeles, California, is hereby appointed as underwriter for the Program.

Section 24. Effective Date. This Resolution shall take effect from and after its date of adoption.

Section 25. Resolution Parameters.

- (A) Name of Local Agency: CITY OF LODI
- (B) Maximum Amount of Borrowing: \$4,900,000
- (C) Authorized Representatives:

TITLE

- 1. Mayor
- 2. City Manager
- 3. City Attorney
- 4. City Clerk

[Attach form of Certification of the Secretary or Clerk of the Legislative Body, with respect to the Resolution, if desired (such form of Certification is not required).]



CITY OF LODI

ELECTRIC UTILITY DEPARTMENT

RULE AND REGULATION NO. 21

NON-CITY-OWNED PARALLEL GENERATION

A. General

1. The City will interconnect and operate in parallel with cogenerators and small power producers as defined in the Federal Energy Regulatory Commission (FERC) Order No. 70. Such facilities shall be termed "Qualifying Facilities (QF)."
2. The City has the option of purchasing the power output of such QF or providing facilities and services to allow sale to an adjacent utility with whom the owner of the QF has made prior contractual arrangements for receiving of such power.
3. Nothing in these Rules shall limit the City's ability to evaluate each QF and determine terms and conditions that are mutually satisfactory to all parties and insure safe and effective operation without adverse effects on other customers and City equipment or personnel.

B. Interconnection Costs

1. All costs incurred by the City for interconnection with the QF must be borne by the QF.
2. The QF shall pay all monthly costs incurred by the City and directly associated with having the QF connected to its system, i.e. communication, administration, etc.
3. If the City agrees to provide the means for a QF to sell its power to an adjacent utility, the QF shall pay the facility charge (wheeling cost) periodically to the City for the cost of providing the facilities to sell to an adjacent utility.

C. Liability

1. The QF shall defend, indemnify and hold harmless the City from any and all liability arising from the operation and interconnection of the QF. The QF shall bear full responsibility for the installation and safe operation of the equipment required to generate and deliver energy to the point of interconnection.



CITY OF LODI

ELECTRIC UTILITY DEPARTMENT

2. The QF shall maintain Worker's Compensation Insurance as required by law and Public Liability Insurance covering bodily injury and property damage in an amount not less than \$5,000,000 per occurrence. Each public liability policy shall name the City as an additional insured. A copy of the said policy or certificate of insurance shall be sent to the City Clerk of the City of Lodi. Provisions shall be made for the City Clerk to be notified within five days of any cancellation of the said insurance policy.
3. The City shall not be liable whether in contract or in tort or under any other legal theory to the owner of a QF, or the owner's customers, or any other person or entity for (1) lost generation revenue, (2) loss of use revenue or profit, (3) cost of capital, (4) substitute use or performance or (5) for any other incidental, indirect, special, or consequential damages.

D. Conditions of Interconnection

1. The City shall allow interconnection between its facilities and QF on a continuing basis as long as the parallel operation of the QF does not degrade, in any way, the quality of electric service provided to the City's other customers. The QF shall insure that its operation in no way creates unsafe conditions either at its facility or on the City's facilities.
2. The owner of the QF shall enter into a written agreement with the City for interconnection, sale or disposal of its power prior to actual connection and operation of the QF.
3. The QF shall comply with all requirements of the National Electrical Safety Code, American National Standards Institute (ANSI), Institute of Electrical and Electronic Engineers (IEEE), American Society of Mechanical Engineers (ASME), the National Electric Code, General Order No. 95 and all local, state and federal rules and regulations or codes which may be applicable.

E. Interconnection

1. The owner of the QF shall, to the point of interconnection; furnish, install, operate and maintain in good repair and without cost to the City such relays, locks and seals, breakers, automatic synchronizers and other control and protective equipment as shall be designated by the City as suitable for operation of such a facility.



CITY OF LODI

ELECTRIC UTILITY DEPARTMENT

2. The owner of the QF shall provide at no cost to the City a manually operated and lockable, visual disconnect device that shall be for the exclusive use of the City and accessible by City representatives at all times. Usually such device will be an air switch or fused cutouts located near the point of interconnection.
3. The protective switching equipment outlined above in paragraph two (2) may be operated without notice or liability by the City or City representative if, in the opinion of the City or its representative, continued operation of the QF in connection with the utility's system may create or contribute to a system emergency or safety hazard. The City shall endeavor to minimize any adverse effects of such operation on the QF.
4. Any costs of interconnection incurred by the City due to the interconnection of the QF, which are over and above the interconnection costs that would be incurred due to the connection of a comparable non-generating customer, shall be the responsibility of the QF. Special modifications to the City's system may be required if the generator output is large in relation to the feeder capacity.. It may be necessary to build a new feeder or reconductor to the nearest substation that is large enough to accommodate the energy. Station modification may be necessary, such as: voltage check scheme, supervisory control, special protective relaying metering and a new circuit breaker position.
5. The City shall be advised of the proposed start up and parallel time for such facilities and a City representative shall be in attendance and approve parallel operation.

The design requirements may change and will be reviewed in each instance.

F. Protective Equipment

The function of protective equipment, such as fuses, relays and circuit breakers, is to promptly remove the infeed from the QF whenever a fault occurs. The protective equipment requirements are not intended to protect the QF from every possible source of damage. The QF may wish to install additional protective equipment to protect its equipment.

The requirements have been summarized into three groups with division by the size of the total generation. The division is only approximate and the requirements will be reviewed in each instance.



CITY OF LODI

ELECTRIC UTILITY DEPARTMENT

1. Generator Size Less Than 10 KW:

- a. The QF is to provide phase overcurrent protection by means of an overcurrent relay or a breaker that provides overcurrent protection on each phase. The generator overcurrent breaker must have the following features, if used:
 1. Thermal, magnetic overcurrent
 2. Undervoltage release.
 3. Solenoid tripping.
- b. A ground overcurrent sensing scheme must be provided to assure the isolation of the QF from the distribution system in the event a ground fault occurs on the distribution line. The protection scheme will vary depending on the transformer connection. As an example, a transformer connected Delta on the generator side of the transformer and grounded Wye on the line side, will require a ground overcurrent relay be connected to the high voltage neutral of the transformer.
- c. Over and under voltage protection is required.
- d. Electrical relays or mechanical interlocks must be provided to prevent the QF from being connected parallel to the City's system, if the City's system is de-energized.

2. Generator Size 10 KW - 100 KW:

In addition to the requirements for generators less than 10 kw, under and over frequency protection is required.

3. Generator Size Greater Than 100 KW:

In addition to the requirements for generators 10 kw - 100 kw, directional overcurrent voltage restrained relays will be required in lieu of the phase overcurrent relays (51).

G. Power Factor

The power output of the QF must approach unity power factor when operated in parallel with the City's facilities. Equipment shall be installed to correct any deficiencies in power factor by the owner of the QF and at the QF's expense.



CITY OF LODI

ELECTRIC UTILITY DEPARTMENT

H. Metering Requirements

1. The point of metering shall be the interface of ownership between the QF and the City. Two watt-hour meters with detents will be required, one for sales to the QF by the City and one for sales to the City by the QF. At the City's option, additional metering for generation data collection and reactive measurements may be required. The QF is responsible for furnishing all equipment required to receive the City's metering transformers, meters and other equipment. The customer shall submit his switchboard and metering drawings to the City for approval prior to manufacture.
2. The City shall own and maintain all necessary meters and associated equipment utilized for billing and monitoring the QF as well as the customer's load.

I. QF Operating Requirements

This section provides the operating requirements that the QF must follow.

- a. The operation of the QF must not reduce the quality of service to other customers. Abnormal voltages, currents, frequencies, or interruptions are not permitted.
- b. The QF will at no time energize a de-energized City circuit.
- c. The QF shall not bypass or modify any of the protective equipment.
- d. Before the QF attempts to reconnect his system in parallel with the City's system, approval from the City Utility Operator must be obtained. Approval is not required if parallel operation ceased due to a lack of sufficient power to the prime mover (such as lack of wind).
- e. The QF shall maintain a daily operation log for the generation facility. Such log shall contain information on unit parallel and separation time, maintenance, outages, trip operation and other unusual events. KW and KVAR operating levels may also be required. The City shall have the right to periodically review these logs.
- f. The QF is responsible for performing scheduled maintenance on the equipment to keep the facility in proper operating condition. The City reserves the right to inspect the QF.



CITY OF LODI

ELECTRIC UTILITY DEPARTMENT

- g. The City reserves the right to discontinue parallel generation with reasonable notice for any of the following reasons:
 - 1. The City needs to perform non-emergency maintenance, repair or other work on the City system.
 - 2. The QF degrades the quality of service to other customers.
 - 3. Inspection of the QF or operation log reveals a hazardous condition or a lack of scheduled maintenance.
- h. The City reserves the right to open the main disconnecting device and cease parallel operation without prior notice in the event of a system emergency.

(End)



CITY OF LODI

ELECTRIC UTILITY DEPARTMENT

RULE AND REGULATION NO. 22

MEDICAL BASELINE QUANTITY

A. General

Residential customers purchase a baseline quantity of electrical energy (kilowatt-hours) monthly at the City's lowest residential rate. Any full time resident in a home having a medical disability may qualify for a Medical Baseline Quantity, 500 kilowatt-hours per month year-round, in addition to the regular baseline quantity.

B. Eligibility

To qualify for a Medical Baseline Quantity, a customer must certify in writing that a full-time resident in the home is:

- dependent on a life-support device (as defined in Part C below) used in the home, or
- a paraplegic, hemiplegic, or quadriplegic person or multiple-sclerosis patient with special heating needs, or
- a multiple-sclerosis patient with special air-conditioning needs.

(Medical conditions other than multiple sclerosis, paraplegia, hemiplegia, or quadriplegia may also qualify customers for medical quantities for heating or air conditioning. Any such situations will be reviewed on an individual basis.)

A customer qualifying for the Medical Baseline Quantity must contact the City and request, complete and return a copy of "Declaration of Eligibility for Medical Baseline Quantity."

The City may require to have a doctor of medicine or osteopathy licensed to practice in the State of California fill out the last page of the form to certify that the resident(s) qualify for a Medical Baseline Quantity.

C. Life-Support Devices

A life-support device is any medical device necessary to sustain life or relied upon for mobility. To qualify under this rule, the device must be used in the home and must run on electricity supplied by the City.



CITY OF LODI

ELECTRIC UTILITY DEPARTMENT

The term "life-support device" includes, but is not limited to, respirators, iron lungs, hemodialysis machines, suction machines, electric nerve stimulators, pressure pads and pumps, aerosol tents, electrostatic and ultrasonic nebulizers, compressors, IPPB machines, and motorized wheelchairs.

D. Heating and Air Conditioning

Special heating and/or air-conditioning needs will qualify a customer for Medical Baseline Quantity under this rule only if the main source of energy for heating or air conditioning is electricity supplied by the City.

E. Medical Baseline Quantities for Master-Metered Customers

Residential tenants of master-metered customer can also qualify for Medical Baseline Quantities. If one or more tenants have a medical condition that qualifies under the conditions listed above, please contact the City to find out how to apply.

If tenants are submetered, any Medical Baseline Quantities must be passed on to the qualifying tenant(s) when billing tenants for electricity usage.

(End)



CITY OF LODI

ELECTRIC UTILITY DEPARTMENT

RULE AND REGULATION

APPENDIX

Schedule of Charges (Fee Schedule)

Reconnection Charge (Seal for Non-payment, SNP)

A. During normal business hours	\$ 33.00
B. After hours	\$ 48.00

Meter Test Charge \$ 18.00

Remote Meter Installation Charge
(Residential Only - Form 2S) \$140.00

Temporary Service Hook-up Charge
(Saw Service) \$ 65.00

Vehicle and Equipment Charge:

Backhoe-Loader	\$ 10.00/hour
Compressor	\$ 5.00/hour
Crane	\$105.00/hour
Dump Truck	\$ 14.00/hour
Line Truck	\$ 15.00/hour
Pick-up/Van/Flatbed Truck	\$ 3.00/hour
Service Truck	\$ 4.00/hour

Schedule of Payments

Mobile Home Park
Distribution Service Payment \$ 8.13*

* per mobile home space wired for service, per month.

(End)

Effective May 18, 1994

Page No. A-1